

Attachment A

Draft proposed guidance

Exemption to use a “Product Prospective Annual Disclosure Label”

A supplier requesting an exemption to provide consumers with a “Prospective Annual Disclosure Label” for a specific product should file a request with the Department pursuant to 11:08 at least 30 business days prior to the product being offered to Customers in Massachusetts. The following guidance is an attempt to balance the two important goals of providing flexibility, so that prospective suppliers can reasonably meet consumer demands for premium green products and meeting the Department’s responsibility to assure both the timeliness and veracity of the government mandated labels.

- 1) The supplier must submit a request for an exemption to use a “Prospective Annual Disclosure Label” for a specific product (Request) to the Department as envisioned in 11:08 before the product is offered to customers in Massachusetts. A “product” is defined as “An electrical energy offering that is distinguished by its Generation Attributes and that is offered for sale by a Retail Electricity Supplier to End-Use Customers”.
 - a) Eligibility
 - i) Renewable resources consist of the following generation attributes: (1) solar photovoltaic or solar thermal electric energy; (2) wind energy; (3) ocean thermal, wave or tidal energy; (4) fuel cells using an Eligible New renewable Fuel; (5) Landfill Methane Gas and Anaerobic digester gas, provided that such gas is collected and conveyed directly to the Generation Unit without use of facilities used as common carriers of natural gas; (6) low-emission, advanced biomass power conversion technologies using an Eligible Biomass Fuel; (7) naturally flowing water and hydroelectric; and (8) waste-to energy that is a component of conventional municipal solid waste plant technology in commercial use.
 - ii) Only those electricity products that include a minimum of 50% renewable resources will be considered for an exemption to use a prospective label.
 - b) Content of Request
 - c) A general description of the product

- d) Provide a list of previous requests made by Supplier for using a Prospective Label
 - e) The four NE-GIS quarters for which the exemption is requested
 - f) Rationale for requesting the exemption to 11.06 (2)(d) (1)(b), including both consumer and system benefits
 - g) The suppliers plan for the resource mix during the first four NE-GIS quarters of retail sales.
 - h) A sample of the proposed label that is clearly marked:
"The information contained on this disclosure label is based on the projected performance for the first 12 months of (Product Name). Actual data will be reported once such data is available."
- 2) Exemption Expiration
- a) No exemption will be granted for any product for more than four NE-GIS quarters. After this initial period, the supplier exemption will expire and the supplier will be subject to all of the data verification requirements.
- 3) Exemption Termination
- a) If the DTE determines that the supplier will not be able to meet the projected resource mix presented in the request, the DTE may terminate the exemption and require the supplier to immediately provide consumers with Disclosure Labels that comply with 11.06 (2)(d) (1)(b).